

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

SHAWN ALLEN HAMILTON, ET AL	§	
	§	
VS.	§	CIVIL ACTION NO. _____
	§	
A & L INDUSTRIAL SERVICES, INC.;	§	
BAKER CONCRETE CONSTRUCTION, INC.;	§	
BRAND ENERGY AND	§	
INFRASTRUCTURE SERVICES, INC.;	§	
BROCK SERVICES, LTD.;	§	
CAR-BER TESTING TEXAS, LLC;	§	
COASTAL INDUSTRIAL SERVICES, INC.;	§	
ECONOMY INSULATION CO., INC.;	§	
EMPIRE SCAFFOLD, LLC;	§	
INSULATIONS, INC.;	§	
INTEGRATED ELECTRICAL SERVICES, INC.;	§	
ISC, LLC;	§	
KT MAINTENANCE COMPANY, INC.;	§	
ORBITAL INDUSTRIAL INSULATION CORP.;	§	
PCL INDUSTRIAL;	§	
PERFORMANCE CONTRACTORS, INC.;	§	
PORT ARTHUR LOGISTICS, LLC;	§	
RMF NOOTER, A SUBSIDIARY OF	§	
NOOTER CONSTRUCTION COMPANY;	§	
S & B ENGINEERS AND CONSTRUCTORS	§	
LTD.;	§	
TECON SERVICES, INC.;	§	
TETON, A PCL COMPANY;	§	
PCL INDUSTRIAL CONSTRUCTION CO.;	§	
TOTAL INDUSTRIAL PLANT SERVICES, INC.;	§	
TRACER INDUSTRIES MANAGEMENT	§	
CO., INC.;	§	
AXION LOGISTICS, LLC;	§	
EVERGREEN FABRICATION AND	§	
INDUSTRIAL SERVICES, INC.;	§	
TURNER INDUSTRIES GROUP, LLC	§	

PLAINTIFFS' ORIGINAL COLLECTIVE ACTION COMPLAINT

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, SHAWN ALLEN HAMILTON, JONATHAN A. ACEVES, MARK
ANTHONY AGUILAR, RONNIE JOSEPH ALLEN JR., VICTORIANO ALONSO

JARAMILLO, EUGENIO ALEJANDRE ALVAREZ, JOSE M. ALVAREZ-TORRES, JOSE LUIS ALVAREZ, JULIO MEDRANO AMARO, ERNEST A. ANDERSON III, NANCY ANDRIO, ADAN OLALDE ANGEL, LOUIS ALBERTO AQUILAR, MACEDONIO ARMENDARIZ JR., LAURENCIO BANDA AVILA, DAVID JACKSON AYERS SR., NEAL W. BARRETT, CLAUDE VASHON BATEASTE, FRED R. BECERRA, ELISA JOSEFINA BENAVIDES, ELOY BENAVIDES-VILLARREAL, OZIEL V. BENAVIDES, BINCY BENNACHEN, GERARD KEVIN HORDE BIHM, SHAWN BOUTTE, JAMES LOUIS BOWEN, KENYA MARIE BRADLEY, VICTOR MANUEL BRISENO, VICTOR MANUEL BRISENO JR., CLIFTON PAUL BROUGHTON, SHANISSA LATRELL SYO BROWN, DALE ROSS BRUNO, GREG JAMES BRUNO, ABRAHAM BUENROSTRO, BEAR GILORY BURTON, DANA KEITH BUTCHER, LEROY BUTLER JR., ANGELA CHAMPAGNE CAIN, JUAN ELIAS CALLES, JOSE CALZONCINTH, NARSISO CAMARGO JR., GEORGE ROBERT CAMPBELL, ABIEL CANTU, HECTOR NEREO CANTU JR., JESUS G. CARABAJAL JR., JOSE E. CARDONA, BALDOMERO C. CASTILLO, GILDARDO CASTELLANOS, JOSE MENDOZA CASTELLANOS, TIMOTEO PAEZ CASTANEDA, EDGAR ALBERTO CAVAZOS, SERGIO GUADA CAVAZOS, FRANCISCO J. CEPEDA, EDGAR OSWALDO CERVANTES, IVAN BENANCIO CERVANTES SANCHEZ, JAIM CERVANTES BEJAR, JOSEPH PAULOSE CHAKKUNGAL, KENDEUS PAUL CHANNELL, GUSTAVO DAVIS CHAVARRIA, JESUS CHAVEZ-FIGUEROA, JESUS CHAVEZ-FIGUEROA, JOSE DEJESUS CHAVEZ HERRERA, PABLO CHAVEZ, BRICE DELAINE CHRISTIAN, MARIO CISNEROS, JERON DEWARN CLAYTON, SHERMAIN RUTH COLLINS, JOSE COLON-CARABALLO, JULIA AZENETH CONTRERAS, GERSON GEOVANY CORNEJO, ADAN

CORONADO, JUAN DELOURDES COVARRUBIA, NELSON A. CRUZ, PEDRO CRUZ, RUFINO MARTINEZ CRUZ, MARIANA DAVILA, RENE NIETO DAVILA, SERVANDO DAVILA, SHIRLEY M. DAVIS, WESLEY WENDELL DAVIS, ADRIANA M. DELACRUZ, CLEAL PATRICK DERRY JR., KEVIN ALLAN DICKEN, DARIO DUARTE, GENARO DUQUE CASTILLO, JULIO SESAR DURAN, TERRA DEVON DURISO, JARVIS LEE EAGLIN, MELVIN JAVIER ELVIR, PEDRO LAZCANO ESPINOZA, ROBERTO FIGUEROA JR., ADAN GUZMAN FLORES, ANTONIO FLORES JR., HERMINIO FLORES, ISRAEL FLORES, MARCELO VAZQUEZ FLORES, RAFAEL VAZQUEZ FLORES, DENNIS RUBEN FORTE, JAMES RANDY FOWLER JR., RONDELL FRANCIS, FERNANDO MEDINA GALVAN, BENJAMIN GARCIA-BECERRA, BENJAMIN GUTIERREZ GARCIA, EDUARDO BECERRA GARCIA, IVAN GARCIA, JULIO GARCIA MARTINEZ, ROGELIO GARCIA JR., ROLANDO GARCIA, TERRY GARRETT, CARLOS PUENTE GARZA, FELIX GARZA, FERNANDO GARZA-LOZANO, JOAQUIN GONZALEZ GARZA, JULIAN GARZA JR., FRANK CHARLES GILBERT, ARTHUR RAY GILLESPIE, ROBERT LEE GILLESPIE, OSCAR FERNANDO GODINEZ, EVAN EVERETT GOLDEN, ANGEL GUADALUPE GOMEZ, JUAN ANTONIO GONZALEZ, KEVIN ZURESH GONZALEZ, MARCO A. GONZALEZ, MARCO ANTONIO GONZALEZ, RODRIGO GARCIA GONZALEZ, RUBEN GONZALEZ, KOTIE RAY GRADNIGO, SANDRA MARGARITA GRIJALVA, GARRETT CLAY GROS, BENIGNO GUADIAN CARDOZA, LEONARDO GUADIAN JR., RUDY GUERRA, KHRISTOPHER RON KEIT GUILLORY, JOSE IGNACIO GUTIERREZ, JUAN M. GUTIERREZ RAMOS, MARIO ALFONSO GUTIERREZ, MARIO OMAR GUTIERREZ, MIGUEL A. GUTIERREZ MARTINEZ, JOEL ELIV GUZMAN, DENNIS MARTIN HAMMETT JR., DOROTHY

MARIE HANSON, TRELONDA PATRICE HARTLEY, ORRIN BERNARD HAYES, HUEY PAUL HEBERT, JULIO CESAR HERMOSILLO, HECTOR S. HERNANDEZ, JOSE ANGEL HERNANDEZ, JUAN CARLOS HERNANDEZ, JUAN G. HERNANDEZ, JUAN JOSE HERNANDEZ JR., JUAN MANUEL HERNANDEZ, MIGUEL ANGEL HERNANDEZ, ROQUE F. HERNANDEZ-BARRAZA, JORGE LUIS HINOJOSA, RODERICK JOVONNE HOWARD, SHANNON LUCAS HOWARD, BARNIE C. HOWELL JR., GREGORY WAYNE HUDSON, BENITO HUERTA, ZACHARY SCOTT HULET, CECILIA HILARIO HYDEN, VICTOR IZAGUIRRE CAMARGO, GIL S. JACKSON, GUALBERTO JAIMES, IJU JAMES JAMES, CHRISTOPHER ANDREW JORDAN, HERMAN JOYAS-ROBINSON, RANDY LEBOUF, DEWAYNE KEITH LECOMPTE SR., ARMANDO ESTRADA LLANOS, RICARDO LOPEZ, ALEXANDRO LOZANO, RODRIGO LUNA JR., CRISTIAN VALENCIA MAGANA, GERARDO MANZO ALVAREZ, BENJAMIN HERRERA MARRON, CESAR MORALES MARROQUIN, ALEX PINEDA MARTINEZ, ALFREDO MARTINEZ, HUMBERTO AVALOS MARTINEZ, JOSE ANGEL MARTINEZ BARAJAS, JORGE GONZALEZ MARTINEZ, MARIA MARINA MARTINEZ, MAYNOR MARTINEZ VELAZQUEZ, SABAS LIRA MARTINEZ, RAYMOND MASSEY, TERRENCE LAMONT MAYES, MICHAEL CHARLES MCGALLION, ELVIN DEWAYNE MCNEELY, MELESIO GALVAN MEDINA, SALVADOR BARAJAS MEDINA, DAVID MINIX, MARIO CESAR MINJARES, ROBERTO MINJARES JR., STEPHEN HORACE MINTON, KEIDRICK RODON MITCHELL, JORGE LUIS MOLINA JR., ALFREDO MONCADA, ARNULFO GARCIA MONDRAGON, JESUS RANGEL MONJARAZ, JEREMY PAUL MONK, NECIA MCCARTNEY MONK, ANTONIO APOLINAR MORALES JR., ALDO MORENO GARCIA, AMADO GUERRA MORENO, JOHNNIE

GLOVER MUKHERJEE, BAYARDO JOSE MUNGUIA, TOMAS REYNA NARVAEZ JR., CRUZ HERNANDEZ NAVARRO, ISAIAS I NAVARRO, GERARDO MORALES NEGRETE, ADRIAN NEVAREZ, JAVIER SANDOC NUNEZ-SANDOVAL, JOSE GUADALUPE NUNEZ, ROBERTO CARLOS OBREGON, AURELIO AYALA OCEGUERA, JUAN PABLO OCEGUERA, GAITAN OCTAVIO, ERIC DAMIAN ORTEGA, JUAN GREGORIO ORTEGA, JEREMY ANTHONY ORTIZ, JUAN ORTIZ, ESPERANZA L. PADRON HUETA, JULIO PALMA, FRANCISCO JAVIER PAZ, JOSE J. PEDROZA, ANGEL PEREZ JR., LUIS ANTONIO PEREZ, JACOB ALEX PERRITT, ROBERT GLENN PERRITT, KHANH HUY PHAM, KHUONG MINH PHAM, JAMES EDWARD PHILLIPS II, ANDRE PRICE, JESUS SILVA PULIDO, JOSE JESUS PULIDO, ROBERTO PULIDO-CHAVEZ, CARLOS OMAR QUINTANILLA, JAIME OMAR QUINTANILLA, JESUS GUADALUPE QUINTANILLA, JOSE ROGELIO QUINTANILLA, MIGUEL A. QUINTANILLA, ANGEL FLORES RAMIREZ, EDUARDO RAMIREZ GARCIA, MARTIN HERNAN RAMIREZ, JAVIER RANGEL, MARIO MALDONADO RANGEL, HAROLD EDWARD RANKIN, JOSE ALBERTO REYES, REYMUNDO MENDOZA REYES, RODOLFO ROSAS REYES, RAUL G. REYNOSO, ARTHUR LEE RICHARDSON II, ALBERTO RIOS-CANTU, FEDERICO VALLADARES RIOS, RAUDEL QUINTANILLA RIOS, JUAN C. RIVERA, MIGUEL ANGEL RIVERA-SANTOS, JESUS RODRIGUEZ, JOSE LUIS RODRIGUEZ, VICTOR RODRIGUEZ, EDGAR OMAR ROQUE-FIGUEROA, PABLO SABLON, JOSE RAMON SALAZAR, JUAN ENRIQUE SALAZAR JR., JULIO C. SALAZAR, EBERARDO SALINAS, ARTURO VASQUEZ SANCHEZ, HILARIO SANCHEZ, ISAI SANCHEZ-CASAS, FERNANDO J. SAUCILLO, TOMAS ESTRADA SAUCEDA, AKEEM JARRARD SCOTT, GUSTAVO E.

SEPULVEDA-CHAPA, ABELARDO V. SILVA, RAUL LIMON SILVA, RICARDO SILVA, JOSHUA CAYLIN SIMMONS, ANTHONY LAYNE SMART, SEDRICK DEMOND STALLWORTH, PHILIP ELIAS STEFFEY, ALFRED LEE STEWART JR., KANTRELLE DEON STEWART, PATRICK WADE STOUT, ANTONIO BERNARD TEAL, SHERRY DARLENE TERRY, ANDREW THOMAS, CHARLES WAYNE THOMAS, EDUARDO TRIGO, ITELIO SALVADOR TURCIOS, ELLIS PATRICK TYLER, JESUS M. URBANO-BLANCO, NYCHRISTON RAYSHARON URSIN, JAMES ALLEN VARNER, SCOTT VEGA, SERGIO QUINTANILLA VEGA, JUAN M VILLANUEVA, DEANNA MERRILL WASHINGTON, WARREN JACKSON WEST, AARON LAMONT WILLIAMS, STEVIE DEON WORLDS, JUAN FRANCISCO ZAMARRON, DANIEL LEE HARVEY, MICHAEL DAVID STUNTZ, TUCKER SHANE STEELE, ANDRES FIGUEROA JR., HOWARD EUGENE LEBLANC JR., SHAWANDA THIBODEAUX SMITH, PEDRO A. MERCEDES, PAMELA YVONNE FONTENOT, JOEY LEE CANTU, ROY LEE DANIELS JR., JORGE E. SALINAS, ISSAC JOSEPH LOUIS JR., HOWARD EUGENE LEBLANC JR., MELVIN LAMAR WHITE, RODOLFO BEAR, CYNTHIA LYNN DYSON, PEDRO A. MERCEDES, LUIS GARCIA-ANDRADE, JAMES MILTON THOMAS, DAVIUN RAMOND JULIEN, ALONZO KNATT JR., HOWARD EUGENE LEBLANC JR., JOSE ALFREDO ZAMORA-CARDENAS, JOSE ROLANDO MUNIZ, SHAWANDA THIBODEAUX SMITH, ROBERTO SAUCEDO, OLGA LIDIA VALLADARES, MARTIN RAMIREZ-CASTANEDA, MARTHA ELVA TRUJILLO, GERARDO LOPEZ, EFRAIN AGUILAR CISNEROS, RODNEY LOUIS WILLIAMS, ROBERTO VALENCIA FIGUEROA, MIGUEL ASIEL GONZALEZ JR., JOSE MARIO MARTINEZ JR., MARTIN ADRUSBEL VELA, LATRICIA EVANGLINE GARNER, MARTERYA QUESHAN YOUNG-AGUILAR, FERNANDEZ

RODRIGUEZ, ERNESTO DIAZ RODRIGUEZ, EMILSON RODRIGUEZ RODRIGUEZ, WILLIAM ROS ADO, FRANCISCO VALENTIN-AVINO, ROY DEAN CLARK, JACOB MCGREW, ROBERT M. RUTLAND, FRANCISCO J. COLON VILLODAS, JULIO LUIS COLON VILLODAS, LUCIO ANTON LARA-ESCARPITA, PAUL ALLEN SIMONS, LATRICIA EVANGLINE GARNER, JOSE EDGAR CANTU, JORGE E. SALINAS, TUCKER SHANE STEELE, MANBOAD SHIVRAM, HOWARD EUGENE LEBLANC JR., ALVIN SHINETTE, SALVADOR ALVAREZ JR., SUSANNA KATE COCHRAN, QUINCY DEVON THOMPSON, JUAN VAZQUEZ LARA, JORGE ALFONSO GAONA, JUAN C. MALDONADO-SANTOS, RAFAEL GARCIA-RANGEL, GERARDO LOPEZ, JUAN JOSE GARCIA RANGEL, PAMELA YVONNE FONTENOT, JOEY LEE CANTU, LUIS E. ZELAYA, BERNARDO LEAL JR., MARTIN BECERRA HERNANDEZ, RALPH ALEMAN, OSWALDO FIGUEROA TORRES, ISMAEL ARCE JR., JOSUE SAENZ, JUAN HUMBERTO MUNIZ-ALEJO, JOSE GUADALUPE SAENZ JR., ROBERTO VALENCIA FIGUEROA, CRISTOBAL TORRES, JESUS HERRERA, FAUSTINE MARGARET MANAWAY, ANDRES FIGUEROA JR., FRANCISCO J. COLON VILLODAS, NICHOLAS JAMES FIGUEROA, JUAN SANDOVAL, SANDRA FAYE DOYLE STELLEY, DORIS M. MARTIN, NARSISO CAMARGO, JR., PEDRO A. MERCEDES, MIGUEL MARTINEZ RIVERA, JEFFERY MICHAEL HAYS, ADOLFO PASCUAL ANTONETTI, ASHFORD A. BALLANTYNE, CHRISTOPHER BOULEY, JUAN J. CAMACHO, ALFONSO GUERRERO CHAPA, TERRY RAY CHERRY, WILLIAMS JOSEPH CLARK, CHARLES J. COMEAUX, TINA M. COMEAUX, JAIME DIAZ, VICTOR HUGO GARZA, DICKIE GEE, DAMIAN LEDOUX, NICOLE CAROLYNN MCDANIEL, JORGE MEDINA, OLGA THAISHA MELENDEZ, JERRY LANELL MILLER, HIROSI GOMEZ NAKAO,

CHARLES NEWTON, BAUDELIO NUNEZ, TONY G. POLANCO, HECTOR RIOS, JESSE ROJAS, CINTHIA ACOSTA TORRES, ROBERT M. TURNER, JR., ANICETO LOPEZ VALDEZ, JUAN VELEZ, MARCOS VERDIN, JAMES EDWARD YARBER, DONALD R. YOUNG, JUAN ZAMORA, HECTOR OLIVAREZ, and DANIEL EDUARDO CHAPA, Plaintiffs, complaining of and against A & L INDUSTRIAL SERVICES, INC., BAKER CONCRETE CONSTRUCTION, INC., BRAND ENERGY AND INFRASTRUCTURE SERVICES, INC., BROCK SERVICES, LTD., CAR-BER TESTING TEXAS, LLC, COASTAL INDUSTRIAL SERVICES, INC., ECONOMY INSULATION CO., INC., EMPIRE SCAFFOLD, LLC, INSULATIONS, INC., INTEGRATED ELECTRICAL SERVICES, INC., ISC, LLC, KT MAINTENANCE COMPANY, INC., ORBITAL INSULATION CORP., PCL INDUSTRIAL, PERFORMANCE CONTRACTORS, INC., PORT ARTHUR LOGISTICS, LLC, RMF NOOTER, A SUBSIDIARY OF NOOTER CONSTRUCTION COMPANY, S & B ENGINEERS AND CONSTRUCTORS LTD, TECON SERVICES, INC., TETON, A PCL COMPANY, PCL INDUSTRIAL CONSTRUCTION CO., TOTAL INDUSTRIAL PLANT SERVICES, INC., TRACER INDUSTRIES MANAGEMENT CO., INC., AXION LOGISTICS, LLC, EVERGREEN FABRICATION AND INDUSTRIAL SERVICES, INC., and TURNER INDUSTRIES GROUP, LLC, Defendants, for causes of action and alleges as follows:

I. JURISDICTION

1.1 This is an action under the Fair Labor Standards Act of 1938, as amended, 29 USC 201 *et seq.* (hereinafter “the FLSA”). Jurisdiction of this action is conferred on the Court under Section 16(b) of the FLSA (29 USC 216(b)), by the provisions of 28 USC 1337, and by 28 USC 1331.

II. VENUE

2.1 Venue is proper pursuant to 28 U.S.C. § 1391(b), as the Eastern District of Texas is the judicial district in which a substantial part of the events giving rise to the claims occurred.

III. PARTIES

3.1 Plaintiffs appear in this action on behalf of themselves and all those that are similarly situated.

3.2 Defendant, A & L INDUSTRIAL SERVICES, INC., is a company doing business in the state of Texas and may be served with process by serving its registered agent for service in the state of Texas: **Joe Swindoll, 11358 Easttex Freeway, Houston, Texas 77093**, and/or at its corporate address: **1728 North Hwy 146, La Porte, Texas 77571**.

3.3 Defendant, BAKER CONCRETE CONSTRUCTION, INC, is a company doing business in the state of Texas and may be served with process by serving its registered agent for service in the state of Texas: **National Registered Agents, Inc., 1021 Main Street, Suite 1150, Houston, Texas 77002**.

3.4 Defendant, BRAND ENERGY AND INFRASTRUCTURE SERVICES, INC., is a company doing business in the state of Texas and may be served with process by serving its registered agent for service in the state of Texas: **C T Corporation System, 350 N. St. Paul St., Suite 2900, Dallas, Texas 75201-4234**.

3.5 Defendant, BROCK SERVICES, LTD., is a company doing business in the state of Texas and may be served with process by serving its registered agent for service in the state of Texas: **Capitol Corporate Services, Inc., 800 Brazos, Suite 400, Austin, Texas 78701**.

3.6 Defendant, CAR-BER TESTING TEXAS, L.L.C., is a company doing business in the state of Texas and may be served with process by serving its registered agent for service in the state of Texas: **C T Corporation System, 350 N. St. Paul St., Suite 2900, Dallas, Texas 75201.**

3.7 Defendant, COASTAL INDUSTRIAL SERVICES, INC., is a company doing business in the state of Texas and may be served with process by serving its registered agent for service in the state of Texas: **Christene D. Sonnier, 7662 Roger St., Orange, Texas 77632.**

3.8 Defendant, ECONOMY INSULATION CO., INC., is a company doing business in the state of Texas and may be served with process by serving its registered agent for service in the state of Texas: **Pete Steele, 3120 Central Mall Drive, Port Arthur, Texas 77642.**

3.9 Defendant, EMPIRE SCAFFOLD, LLC, is a company doing business in the state of Texas and may be served with process by serving its registered agent for service in the state of Texas: **Corporation Service Company d/b/a CSC-Lawyers Incorporating Service Company, 211 E. 7th Street, Suite 620, Austin, Texas 78701.**

3.10 Defendant, INSULATIONS, INC., is a company doing business in the state of Texas and may be served with process by serving its registered agent for service in the state of Texas: **C T Corporation System, 350 N. St. Paul St., Suite 2900, Dallas, Texas 75201-4234.**

3.11 Defendant, INTEGRATED ELECTRICAL SERVICES, INC., is a company doing business in the state of Texas and may be served with process by serving its registered agent for service in the state of Texas: **C T Corporation System, 350 N. St. Paul St., Suite 2900, Dallas, Texas 75201-4234.**

3.12 Defendant, ISC, LLC, is a company doing business in the state of Texas and may be served with process by serving its registered agent for service in the state of Texas: **Catbird, LLC, 3717 W. 7th Street, Fort Worth, Texas 76107.**

3.13 Defendant, KT MAINTENANCE COMPANY, INC., is a company doing business in the state of Texas and may be served with process by serving its registered agent for service in the state of Texas: **Kenny L. Timms, Sr., 2920 Eastex Freeway, Beaumont, Texas 77703.**

3.14 Defendant, ORBITAL INSULATION CORP., is a company doing business in the state of Texas and may be served with process by serving its registered agent for service in the state of Texas: **James E. Wimberley, 3120 Central Mall Drive, Port Arthur, Texas 77642.**

3.15 Defendant, PCL INDUSTRIAL CONSTRUCTION CO., is a company doing business in the state of Texas and may be served with process by serving its registered agent for service in the state of Texas: **National Registered Agents, Inc., 1021 Main Street, Suite 1150, Houston, Texas 77002.**

3.16 Defendant, PERFORMANCE CONTRACTORS, INC., is a company doing business in the state of Texas and may be served with process by serving its registered agent for service in the state of Texas: **C T Corporation System, 350 N. St. Paul St., Suite 2900, Dallas, Texas 75201-4234.**

3.17 Defendant, PORT ARTHUR LOGISTICS, LLC, is a company doing business in the state of Texas and may be served with process by serving its registered agent for service in the state of Texas: **Dwana K. Wise, 2901 Turtle Creek Drive, Suite 424, Port Arthur, Texas 77642.**

3.18 Defendant, RMF NOOTER, A SUBSIDIARY OF NOOTER CONSTRUCTION COMPANY, is a company doing business in the state of Texas and may be served with process by serving its registered agent for service in the state of Texas: **C T Corporation System, 350 N. St. Paul St., Suite 2900, Dallas, Texas 75201-4234.**

3.19 Defendant, S & B ENGINEERS AND CONSTRUCTORS, LTD, is a company doing business in the state of Texas and may be served with process by serving its registered agent for service in the state of Texas: **C T Corporation System, 350 North St. Paul Street, Suite 2900, Dallas, Texas 75201-4234.**

3.20 Defendant, TECON SERVICES, INC., is a company doing business in the state of Texas and may be served with process by serving its registered agent for service in the state of Texas: **Corporation Service Company d/b/a CSC-Lawyers Incorporating Service Company, 211 E. 7th Street, Suite 620, Austin, Texas 78701-3218.**

3.21 Defendant, TETON, LTD., A PCL COMPANY, is a company doing business in the state of Texas and may be served with process by serving its registered agent for service in the state of Texas: **Michael H. Neufeld, 218 N. Broadway, Suite 204, Tyler, Texas 75702.**

3.22 Defendant, PCL INDUSTRIAL CONSTRUCTION CO., is a company doing business in the state of Texas and may be served with process by serving its registered agent for service in the state of Texas: **National Registered Agents, Inc., 1021 Main Street, Suite 1150, Houston, Texas 77002.**

3.23 Defendant, TOTAL INDUSTRIAL PLANT SERVICES, INC., is a company doing business in the state of Texas and may be served with process by serving its registered agent for service in the state of Texas: **Daniel E. Mabry, 595 Orleans, Suite 1400, Beaumont, Texas 77701.**

3.24 Defendant, TRACER INDUSTRIES MANAGEMENT CO., INC., is a company doing business in the state of Texas and may be served with process by serving its registered agent for service in the state of Texas: **C T Corporation System, 350 N. St. Paul St., Suite 2900, Dallas, Texas 75201-4234.**

3.25 Defendant, AXION LOGISTICS, LLC, is a company doing business in the state of Texas and may be served with process by serving its registered agent for service in the state of Texas: **Ewing & Jones, PLLC, 6363 Woodway, Suite 1000, Houston, Texas 77057.**

3.26 Defendant, EVERGREEN FABRICATION AND INDUSTRIAL SERVICES, INC., is a company doing business in the state of Texas and may be served with process by serving its registered agent for service in the state of Texas: **Jacob J. Ansium, 17306 Lake Chelan Lane, Humble, Texas 77346.**

3.27 Defendant, TURNER INDUSTRIES GROUP, LLC, is a company doing business in the state of Texas and may be served with process by serving its registered agent for service in the state of Texas: **C T Corp System, 350 N. St. Paul St., Suite 2900, Dallas, Texas 75201-4234.**

IV. FACTUAL ALLEGATIONS

4.1. During various time periods, Plaintiffs (“the employees”) performed work at the Motiva Port Arthur, Texas SBU2 Crude Expansion Project (hereinafter referred to as “the Motiva job”). Each day, Plaintiffs were required by Defendants to report for work at a certain location whereupon Plaintiffs were to get on a bus and be transported to the Motiva facility. Later, Plaintiffs would be taken back by bus to the original point of departure. (See listing of Plaintiffs and their employers, attached hereto as Exhibit “A”).

4.2 Each day, the time spent in transit (from time of original reporting at the beginning of the work shift until time of disembarking the bus at the end of the shift) was approximately thirty to ninety (30-90) minutes total.

ALLEGATIONS AS TO DEFENDANTS,
BRAND ENERGY AND INFRASTRUCTURE SERVICES, INC., BROCK SERVICES,
LTD., COASTAL INDUSTRIAL SERVICES, INC., ECONOMY INSULATION CO., INC.,
INSULATIONS, INC., INTEGRATED ELECTRICAL SERVICES, INC., KT
MAINTENANCE COMPANY, INC., ORBITAL INSULATION CORP., PCL INDUSTRIAL,
PORT ARTHUR LOGISTICS, LLC, TECON SERVICES, INC., TETON, A PCL
COMPANY, AXION LOGISTICS, LLC,
EVERGREEN FABRICATION AND INDUSTRIAL SERVICES, INC., AND PCL
INDUSTRIAL CONSTRUCTION CO.

4.3 Plaintiffs allege that the time they were forced to be on the buses is compensable under the FLSA and not excluded by the Portal-to-Portal Act.

ALLEGATIONS AS TO ALL DEFENDANTS

4.4 Plaintiffs were paid compensable time for a certain pre-determined time period each day (*i.e.* 7:00 a.m. - 5:30 p.m.). However, Plaintiffs were frequently required to undertake compensable activities prior to or after the pre-determined “work time” each day including, but not limited to:

a. The Employees were required to retrieve, and put on personal protective equipment and gear (including but not limited to work gloves, goggles, monitors, safety

glasses, protective clothing and the like) at home or at the park-n-ride, and then to take it off and stow it away at their homes every night.

b. The Employees were required before work time to attend mandatory safety meetings held at the lunch tent area which would commence before the time recorded as the beginning of their compensable time.

c. The Employees who were assigned radio equipment would have to go to offices or other areas to retrieve said equipment in the morning; and would have to return said equipment after the end of hours that they were compensated for, and/or take them home and charge them up at night.

d. The Employees who were assigned "Nextel" or similar communication devices and were required to take them home were frequently contacted by other employees well prior to the designated compensable time to discuss work issues including but not limited to the tasks and challenges for the upcoming day.

e. The Employees would be required to attend daily foremens' (tool box) safety meetings; would be required to attend or participate in Job Safety Analysis (JSA) or similar pre-work safety reports or discussions; would be called upon to fill out, review, or complete "START" cards or other similar safety paperwork; would be required to engage in exercise or calisthenics in order to "warm up" for the day's work; and/or would be required to attend "tool box meetings" or be "lined out" in their daily job duties, all prior to the commencement of the designated compensable time.

4.5 During these times, Plaintiffs were unable to effectively use their time for their own purposes and were performing work activities. They were under the control of their employers, and the time in question and actions taken or required of them predominantly benefitted their employers and constituted integral parts of their job

duties. As such, Plaintiffs' "work day" actually began and/or ended at points outside of the pre-determined "work time" for which they actually received compensation.

4.6 Plaintiffs are Consentors in this action.

V. COLLECTIVE ACTION ALLEGATIONS

5.1 During the time period referenced above, and before and after, Defendants have implemented and enforced the policies referenced which required Employees to work for or after their designated compensable time working at the Motiva job, which upon information and belief amount to five-thousand (5,000) or more persons. There exists a class of persons defined as all those who have been employed by Defendants on the Motiva job from the time period May 1, 2009 and continuing; but the class shall not include the presiding judge, any persons currently employed by the United States Government and working in the offices of or on behalf of the District Clerk for the Eastern District of Texas, or in the offices of or on behalf of any judge sitting in the Eastern District of Texas, and any persons who become so employed or so work prior to the entry of a Final Judgment in this action.

5.2 The requisites of 29 USC 216 and the FLSA Collective-Action provisions have been met. The class consists of hundreds or thousands of persons, making the members so numerous that individual lawsuits by each of the members of the group would be impractical.

5.3 Further, there are common questions of law and fact common to all members of the group. These common questions include, among others: (1) Whether the time spent on the buses is compensable as a matter of law; (2) Whether Defendants should have properly included time spent outside of the pre-determined "work hours" in the day for purposes of wages; (3) Whether Defendants have violated the Fair Labor Standards Act;

(4) Whether Defendants' actions were "willful" as defined by the Fair Labor Standards Act.

5.4 The claims of the Plaintiffs are typical of the claims of other members of the group, and they will fairly and adequately represent and protect the interest of the proposed class. Plaintiffs have no interest antagonistic to those of the other members of the proposed class. Plaintiffs' attorneys are qualified, experienced, and able to conduct this litigation.

5.5 The questions of law and fact common to the members of the proposed class predominate over any questions affecting only individual members.

5.6 A class or collective action is superior to other methods for the fair and efficient adjudication of the claims asserted herein, and no unusual difficulties are likely to be encountered in the management of this class action.

VI. VIOLATIONS AND DAMAGES

6.1 Defendants have negligently or willfully failed to pay Plaintiff and other class members for time spent in employment, as more fully set forth above, in violation of the FLSA.

6.2 Defendants have negligently or willfully failed to keep adequate records of hours worked, in violation of the FLSA.

6.3 Plaintiffs are entitled to damages representing wages not properly paid, as well as an additional equal amount as liquidated damages resulting from Defendant's willful violation of the FLSA. 29 USC 207, 216(b), 255(a). Plaintiffs are further entitled to recover their attorneys' fees, expert fees, pre-judgment and post-judgment interest on all damages, and their costs of court.

PRAYER

WHEREFORE, Plaintiffs pray for judgment against Defendants as follows:

1. For an order certifying this matter as a collective action under the Federal Rules of Civil Procedure, and appointing Plaintiffs and their counsel to represent the class;
2. For an order directing that all collective action members be notified of the pendency of this action and given an opportunity to consent to participation, at the cost of Defendants,
3. For all damages, actual, special, and incidental, that are recoverable under law as the evidence may show proper;
4. For attorney's fees in an amount deemed sufficient to cover the prosecution of this action;
5. For all costs of these proceedings and interest from date of judicial demand; and,
6. For such other and further relief, in law or in equity, as to which Plaintiffs may show themselves to be justly entitled.

Respectfully submitted,

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